

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6070

BILL NUMBER: SB 24

NOTE PREPARED: Feb 20, 2012

BILL AMENDED: Feb 20, 2012

SUBJECT: Mental Health Issues.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR: Rep. Noe

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X GENERAL
DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Renames Council, Adds Members*- The bill renames the "Mental Health and Addiction Advisory Council" the "Mental Health and Addiction Planning and Advisory Council" and adds members to consolidate the current council with a body required by federal law.

Repealed Provisions- The bill repeals provisions concerning terms of appointed members and repeals a provision that applies general rules for Family and Social Services Administration (FSSA) bodies to the Planning and Advisory Council (PAC).

Commission on Mental Health and Addiction- The bill removes a provision under which lay members of the Commission on Mental Health and Addiction (COMHAA) are ineligible for per diem or traveling expenses.

Superintendents of State Hospitals- The bill provides that superintendents of state hospitals serve at the will of the Director of the Division on Mental Health and Addiction (DMHA) and not for a term of four years. The bill removes provisions requiring bonds for superintendents of state-operated facilities. The bill gives the Director of the DMHA instead of the superintendent of each hospital the authority to regulate smoking at state hospitals.

Criminal Background Checks- The bill requires individuals applying for a social worker, marriage and family therapist, or counselor license to have a criminal background check.

Clarification of Clinical Experience Requirement- The bill clarifies a provision that requires an applicant for a license as a marriage and family therapist to have two years of postdegree clinical experience.

Addiction Counselor License Exemptions- The bill reestablishes a provision that expired in 2011 concerning exempting certain individuals from the licensure requirement for addiction counselors.

Obsolete Provisions- The bill repeals obsolete provisions concerning: (1) the Dawn Project; (2) the biennial opioid report; (3) the closing of Central State Hospital; (4) mandated bond requirements for superintendents of state hospitals; and (5) the definition of "maintain". The bill makes conforming changes.

Pain Management Facilities Study Committee Topic- The bill urges the assignment to an interim committee the study of the regulation of pain management facilities and persons prescribing controlled substances.

(The introduced version of this bill was prepared by the Commission on Mental Health and Addiction.)

Effective Date: Upon passage; July 1, 2012.

Explanation of State Expenditures: *Renames Council, Adds Members-* This provision would have a minimal impact to advisory and planning council travel expenditures for members who are not state employees. Funding for the current advisory and planning councils is from federal Substance Abuse and Mental Health Services Administration (SAMHSA) block grant monies awarded to FSSA's Division of Mental Health and Addictions. Expenditures for the proposed PAC's travel reimbursement would operate in the same fashion as currently. However, the new PAC would meet at least quarterly, whereas, the current Advisory Council is required by current law to meet at least monthly.

Commission on Mental Health and Addiction- Reimbursement of travel and per diem expenditures for COMHAA lay members would increase state expenditures by a minimal amount. Currently, the Legislative Council allows the COMHAA a \$16,500 budget per interim. The COMHAA has 17 members, of which, 13 are lay members.

Criminal Background Checks- The Indiana State Police (ISP) may see a slight increase in fingerprint documentation for national criminal background checks.

Addiction Counselor License Exemptions- The extension of grandfather provision until December 31, 2012, under the bill, would allow additional persons to be licensed. The test required for licensing is still in development. As a result, the provision would present a temporary increase in the administrative workload of the Professional Licensing Agency to approve more of these licenses. The PLA was able to grandfather clinical addiction counselors until July 2011, when the provision expired.

(Revised) *Pain Management Facilities Study Committee Topic-* The bill urges the assignment to an interim committee the study of the regulation of pain management facilities and persons prescribing controlled substances. Committee size is not specified. Legislative Council resolutions in the past have established budgets for interim study committees in the amount of \$9,500 per interim for committees with fewer than 16 members, and \$16,500 per interim for committees with 16 members or more. The committee is to report findings and recommendations by November 1, 2012.

Background Information- According to the *Indiana State Mental Health and Addiction Plan*, the combination of the two separate advisory and planning councils was planned for 2012-2013. However, the PAC has already begun to meet as a combined council with 29 members. Currently, members who are not state employees do

receive a mileage reimbursement. (The bill would codify this current payment to lay members.) The bill also specifies that at least 50% of the membership of the PAC must consist of persons that are neither state employees nor mental health service providers. Current membership is approximately 52% individuals in recovery, family members, or others, and 48% are state employees or providers. Travel reimbursement expenditures for the most recent meeting totaled \$847.

Explanation of State Revenues: *Criminal Background Checks*- This provision would increase state revenues by including social workers, marriage and family therapists, and counselors in national criminal background checks as a requirement for licensing. The current fee for fingerprinting charges is \$33. \$18 of this amount goes to the Federal Bureau of Investigation (FBI) and \$15 goes to the state General Fund.

Addiction Counselor License Exemptions- This provision would allow license fees to be collected for certain qualifying individuals. The provision may result in a slight increase in fee revenue to the state General Fund during CY 2012. Initial applications would have to be filed with the Professional Licensing Agency prior to December 31, 2012. The fee charged during the prior grandfathering period was \$50 per application.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Criminal Background Checks*- If fingerprinting is accomplished by a local government agency, that agency may charge a fee for processing the fingerprints for a national criminal background check. Fees vary and revenue collected would depend on the additional persons requiring fingerprinting that elect to have prints taken by a local law enforcement agency.

State Agencies Affected: Mental Health and Addiction Planning and Advisory Council, Commission on Mental Health and Addictions, Legislative Council, Legislative Services Agency.

Local Agencies Affected: Local law enforcement agencies.

Information Sources: Dawn Hetzel, Deputy Legislative Director, FSSA; *Indiana State Mental Health and Addiction Plan 2012-2013*; Legislative Council Resolution 2011-02; Professional Licensing Agency.

Fiscal Analyst: Chris Baker, 317-232-9851.